



JOINT CENTER FOR LESSONS LEARNED

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Message From the Director

BG Robert W. Cone, USA
Director, JCLL

Many changes are taking place in the Joint Center for Lessons learned (JCLL). There has been added emphasis and a new vision for the direction we must take to ensure the lessons of the past and present are captured in order to influence what we do in the future. This new direction began with the requirement to send teams to Iraq to actively gather these lessons learned in the field.

As the new Director of JCLL, I moved to the Suffolk Complex from Washington, D.C. to lead this effort for Admiral Giambastiani and the Joint Forces Command. My staff of both active duty military and civilian civil service and contractor personnel has been intimately involved in the conflict in Iraq since before hostilities began. Even as I write this message there is a team located with the warfighters in the desert working to capture the lessons learned. Look for some of these to be included in future JCLL Bulletins focused on Operation Iraqi Freedom.

In this issue of the JCLL Bulletin, we will present a series of articles dedicated to the efforts of Joint Task Force Civil Support (JTF-CS)—their mission and their lessons learned. Each of these articles has been submitted by various functional areas within JTF-CS to give the overall perspective of the job they perform. Major General Jerry Grizzle, Commander of JTF-CS, introduces the articles with his *Commander's Comments*.

The first article discusses *The Civil Support Operating System (CSOS)* and how the JTF-CS components function together and interface with Department of Defense and civilian agencies during a



consequence management (CM) scenario involving chemical, biological, radiological, nuclear, and high-yield explosive (CBRNE) events.

Subsequent articles narrow the perspective to look at the specific areas of *Emergency Plans Analysis – Anticipating Local Requirements, Communications Interoperability Between Military and Civilian Agencies, JTF-CS Unique CBRNE Training Issues, Medical Lessons Learned From Blue Advance 02, Legal Lessons Learned During Exercise Blue Advance 02, and Public Affairs Lessons Learned At Exercise Blue Advance 02*.

Together this series of focused articles should present a good picture of the JTF-CS mission, and their challenges and lessons learned in this critical arena of CBRNE CM, particularly since the events of September 2001.

I look forward to my tenure here in the JCLL, and to working with this team of dedicated professionals. Let us know how we can assist you in your lessons learned efforts.

ROBERT W. CONE
Brigadier General, U.S. Army
Director, Joint Center for Lessons Learned



JCLL UPDATE

Mr. Mike Barker

BG Cone's comments are pretty succinct about the future of the joint lessons learned program. The program we are so familiar with will change as a result of Operation Enduring Freedom (OEF), Operation Iraqi Freedom (OIF), and the Global War On Terrorism (GWOT). Instead of the Joint Center for Lessons Learned (JCLL) being strictly the "passive" program that everyone is familiar with, we have evolved into a robust active collection and analysis program. Starting last February, Joint Forces Command (JFCOM) embedded collectors throughout the Central Command (CENTCOM) theater of operations. They were there through the end of the hostilities phase, and we still have a small team spread from Baghdad to Bahrain today working the post-hostilities/reconstruction phases. The latest tasker we are working on involves the GWOT lessons learned integration. Sometime during the February timeframe, there will be JCLL teams visiting the combatant commands (COCOM), the Services, and many Department of Defense (DOD) agencies collecting lessons and issues related to GWOT. These visits will be preceded by a visit from BG Cone and will have an agreed upon "terms of reference (TOR)" similar to the one previously developed for the CENTCOM theater. Later this spring a new instruction will be developed by the JCLL that will quantify and qualify the new lessons learned program.

The following should provide you a snapshot of the extent of the changes that have occurred:

1. The JCLL now has a Brigadier General as its Director.
2. The JCLL has a Colonel as its Deputy.
3. Instead of one Government Service (GS) employee and 12 contractors, the JCLL is currently manned at 37 military, one GS, and 16 contractors working from both JFCOM and Washington, D.C. Once the new manning document is filled, the JCLL will have approximately 44 military, seven GS, and 19 contractors.

4. JCLL is chartered to "actively" collect data rather than "passively" wait for information.

5. Reports have been written and briefed as high as the President of the United States. The Secretary of Defense has been able to effect changes as a result of many of these reports that run from the tactical to the strategic levels of war.

6. Policies, processes, and procedures are being identified and fine-tuned which will radically change how lessons learned are collected, analyzed, fixed, and instituted.

More will follow later this spring on these changes.

As we look out over the next four quarters for the JCLL Bulletin's focus, the developing topics are the Standing Joint Force Headquarters, the Coast Guard and Homeland Security, the "new" JCLL (to include excerpts from the Quicklook Report and the Major Combat Operations (MCO) Report, and a coalition perspective of the combined joint task force. If any reader has a special interest in any of these topics, you are invited to submit an article (4-6 pages) on that subject to the Bulletin Editor.

"Sometimes we like lessons so much we learn them over and over again."

COL J. Kissane
Office of the Surgeon General (Army)

"To a very high degree the measure of success in battle leadership is the ability to profit by the lessons of battle experience."

Lucian K. Truscott
Command Missions, 1954, p. 533

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Commander's Comments

*Maj. Gen. Jerry W. Grizzle
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Commander, Joint Task Force Civil Support
Deputy Commander, Standing Joint Force
Headquarters Homeland Security*

The nightmare of a number of farsighted individuals in our government came true on Sept. 11, 2001. Although most of the country just discovered the terrorist threat on that day, units such as Joint Task Force Civil Support (JTF-CS) had been preparing to respond to such an event for more than two years.

JTF-CS is a standing joint task force under the operational control of Joint Force Headquarters Homeland Security, which is a subordinate command of U.S. Northern Command. JTF-CS plans and integrates Department of Defense (DOD) support to the lead federal agency (LFA) for domestic consequence management operations after chemical, biological, radiological, nuclear, or high-yield explosive incidents. When directed by the Commander of U.S. Northern

Command, JTF-CS will deploy to the incident site, establish command and control of designated DOD forces, and provide military assistance to civil authorities to save lives, prevent injury, and provide temporary critical life support.

JTF-CS is prepared to support any one of the twelve emergency support functions of the Federal response plan. The unit's challenge is to integrate DOD response efforts with those of all federal agencies responding to a major disaster. JTF-CS liaison officers continually coordinate with the partners of the Federal response plan, working to understand each agency's requirements in a consequence management scenario. With that understanding, JTF-CS assesses the kind and number of forces that DOD might be called upon to provide. Broad-scale contingency operation plans are formulated, from which specific operational plans can be derived in the event of an actual incident.

The mission of supporting civil authorities is not a new one for DOD. The U.S. has a long history of providing assistance to civil authorities during emergencies and other instances of national concern. For example, U.S. military forces have assisted federal, state, and local agencies during natural disasters such as hurricanes, floods, and earthquakes. The role of JTF-CS in providing assistance to the LFA after a weapon of mass destruction event is in keeping with this long and proud tradition.

The articles in this Bulletin present some of the consequence management lessons learned by the staff of JTF-CS during exercises, special events, and day-to-day interactions with our federal partners. The role of military forces in consequence management will undoubtedly continue to evolve as our national security strategy increasingly focuses on issues of homeland security.

Joint Task Force Civil Support

The Civil Support Operating Systems (CSOS)

*Lt. Col. Michael L. Snyder
and Lt. Col. Paul Disney*

Introduction

When Joint Task Force Civil Support (JTF-CS) is deployed in response to a chemical, biological, radiological, nuclear, and/or high-yield explosive (CBRNE) employed as a weapon of mass destruction (WMD)—the clock is running. It has entered a chaotic environment where the CBRNE effects, unless arrested, will continue to claim more lives. It is critical that all Department of Defense (DOD) responders, to include JTF-CS, act in concert with other local, state, and federal responders to achieve an ‘*efficient, timely, and consistent disaster response*’ (Federal response plan, forward).

Consequence Management (CM)—involves those measures taken to protect public health and safety, restore essential government services, and provide emergency relief to governments, businesses, and individuals affected by the consequences of a chemical, biological, nuclear, and/or high-yield explosive situation. For domestic consequence management, the primary authority rests with the States to respond and the Federal Government to provide assistance as required. (JP3-0)

In this article, we will examine the utility of current staff tools such as the battlefield operating systems (BOS) and the warfighting functions. We will analyze the adequacy of these tools as enablers to assess, plan, prepare, and execute consequence management (CM) operations.

This examination will involve answering the following questions:

- Is the BOS a necessary staff tool to assess, plan, prepare, and execute CM operations?
- Is CM so different that it requires a unique set of functions other than contained in the current BOS?

- If the BOS is tailored for CM operations, what functions need to be added or deleted and why?
- If a tailored BOS were needed, what would it be called?

Before tackling these questions, we need to cover some background about JTF-CS.

Background

Joint Task Force Civil Support was created to meet a specific need envisioned by DOD. That specific need is captured in the JTF-CS mission statement (see inset). The following points from the mission statement highlight some employment characteristics of this joint task force headquarters that make it unique:

- JTF-CS is a consequence management (CM) headquarters established to command and control DOD assets in support of a lead federal agency (LFA) during CM operations.
- JTF-CS plans and integrates DOD support to the LFA for CBRNE consequence management operations.
- JTF-CS operations focus on the effects of a CBRNE incident, not on the prevention of an incident or the tracking of those who may cause a CBRNE event.
- When deployed, JTF-CS is not in charge, but rather commands DOD participants (assigned/OPCON Title 10 forces) in supporting the LFA’s response efforts following a Presidential declaration of a major disaster or emergency.

Mission. Joint Task Force Civil Support (JTF-CS) plans and integrates DOD support to the designated lead federal agency (LFA) for domestic chemical, biological, radiological, nuclear, and high-yield explosive (CBRNE) consequence management operations. When directed by the Commander U.S. NORTHERN COMMAND, JTF-CS will deploy to the incident site, establish command and control of designated DOD forces and provide military assistance to civil authorities in order to save lives, prevent injury, and provide temporary critical life support.

DOD has traditionally provided assistance to state and local authorities responding to natural disasters. Providing assistance, to civil authorities, during

consequence management of a CBRNE incident is a natural extension of DOD's historical support.

Battlefield Operating System (BOS) — A listing of critical tactical activities. The BOS provide a means of reviewing preparations or execution in discrete subsets. Critical to this review is the synchronization and coordination of activities not only within a BOS, but also among the various BOS. The BOS are not all inclusive; they include intelligence, maneuver, fire support, mobility and survivability, air defense, combat service support (CSS), and command and control but do not address timing, tempo, reconnaissance, information operations, or tactics. (FM 101-5-1)

Land component doctrine further supports this contention. For example, Field Manual (FM) 3-07, Stability Operations and Support Operations, outlines U.S. Army doctrine for DOD involvement with civil authorities. It addresses the tasks associated with conducting (assessing, planning, preparing, and executing) CM operations.

This leads us to our first question: *Is the BOS a necessary staff tool to assess, plan, prepare, and execute CM operations?*

Warfighting Functions—Maximum impact is obtained when all warfighting functions are harmonized to accomplish the desired objective within the shortest time possible and with minimum casualties. The six warfighting functions are command and control, maneuver, fires, intelligence, logistics, and force protection. These warfighting functions apply equally to both conventional operations and other types of operations such as military operations other than war and information operations. (MCDP 1-2)

From the U.S. Army doctrinal definition of the BOS and the U.S. Marine Corps doctrinal definition of warfighting functions, we can glean the purpose of both staff tools. The BOS and warfighting functions provide the staff with a tool that provides:

- A listing of critical tactical activities
- A means to review preparations or execution in discrete subsets

- A means to synchronize and coordinate activities within a BOS and among the various BOS
- A means to harmonize functions

Clearly, the capabilities these tools provide are still necessary for CM operations.

This leads us, therefore, to question two: *Is CM so different that it requires a unique set of functions than contained in the current BOS?*

Obviously, the best application of the BOS or the warfighting functions is within the context of combat operations. This assertion may be a reason to dismiss the usefulness of both as a staff-planning tool for consequence management operations. Both, however, can be adapted and effectively used outside the context of warfighting.

Figure 1 compares the BOS with the warfighting functions. By examining the list of operating systems and functions, we can eliminate those systems or functions that only support warfighting. In Figure 1, these have been italicized.

Ignoring the obvious differences in service terminology, we noted and compared the similarities between the two. We also considered other operating systems or functions that added clarity and greater usefulness to what we named the Civil Support Operating Systems (CSOS). The functions that make up the CSOS therefore include:

- Command and Control
- Intelligence
- Maneuver and Mobility
- Survivability and Force Protection
- Logistics
- Medical
- Mortuary Affairs

This is the answer to the third question: *If the BOS is tailored for CM operations, what functions need to be added or deleted, and why?*

Battlefield Operating Systems (U.S. Army)	BOS Components (Generic)	Warfighting Func. Components (Generic)	Warfighting Functions (U.S.M.C.)
Command and Control	CommanderC2 Systems	Arrangement of personnel, equipment, facilities	Command and Control
Intelligence	Plan, direct, collect, process, produce, disseminate	Understand, identify, alerts, assess	Intelligence
Maneuver	Move to gain positions of advantage	Movement to gain an advantage	Maneuver
Combat Service Support	Physical means for forces to operate	All activities to move and maintain forces	Logistics
Mobility, <i>Counter</i> mobility and Survivability	Preserve freedom of maneuverProtect forces from enemy effects	Measures taken to protect a force's potential	Force Protection
Fire Support			Fires
Air Defense			

Figure 1: Comparison of BOS and warfighting functions

The decision to tailor the BOS and warfighting functions for CM operations was primarily based upon the fact that when deployed by U.S. Northern Command (USNORTHCOM), JTF-CS is *not in charge, but rather commands DOD participants (assigned/OPCON Title 10 forces) in supporting the LFA's response efforts following a Presidential declaration of a major disaster or emergency*. That fact plus the following considerations support tailoring the BOS and warfighting functions:

- The deployment of JTF-CS may have been triggered by a weapon of mass destruction (WMD) involving CBRNE (and all the attendant political, cultural, and informational implications).
- A desire to capitalize on familiar military staff training that is common to all DOD land component staffs.
- A desire to promote better understanding between supported civil authorities and supporting DOD forces by providing a staff tool and processes that capture terminology and logic common to both.
- For CM operations, there is no traditional, definitive enemy with discernable capabilities—the CBRNE effects become the enemy (see below).

The answer to the fourth question: *If a tailored BOS were needed, what would it be called?* — is simple. We chose to call this operating system—The Civil Support Operating System (CSOS) because of linkages to policy, emerging doctrine, and the JTF-CS name.

We will examine the CSOS functions individually and illustrate how they have been tailored to the environment of CM operations.

Command and Control. *Command and control functions are performed through an arrangement of personnel, equipment, communications, facilities, and procedures employed by a commander in planning, directing, coordinating, and controlling forces and operations in the*

accomplishment of the mission (JP 1-02). JTF-CS exercises command and control over tailored task forces. It establishes a joint command post that works in conjunction with other interagency/state/local command posts in the accomplishment of its mission. Communications is integral to this operating system. The essence of this operating system has not changed with its application to CM operations.

Intelligence. *The product resulting from the collection, processing, integration, analysis, evaluation, and interpretation of available information...(JP 1-02).* The need for JTF-CS to maintain situational awareness of the area of operations also requires that **public affairs** and **information** be an integral part of this operating system. Many of the “sensors” that provide JTF-CS with input come from multiple sources that may include media, law enforcement, political leaders, and government agencies, as well as the subordinate unit soldiers that perform CM activities. Situational awareness is crucial in the consequence management environment. While the primary focus may be upon mitigating the effects of a CBRNE incident, staff planners cannot afford to lose sight of other antagonistic elements of that environment. Some of those antagonistic elements include: the weather, panic, misinformation, and psychological aftershock. These all need to be analyzed for their impact upon the immediate CBRNE effects. That analysis needs to be an integral part of this operating system. Maintaining a robust situational awareness capability is key to a synchronized effort with other federal, state, and local agencies.

Maneuver and Mobility. *Employment of forces on the battlefield through movement in combination*

with fire, or fire potential, to achieve a position of advantage...(JP 1-02). For JTF-CS, *maneuver to achieve a position of advantage* is applicable to CM operations both in a traditional sense and a non-traditional sense. In the traditional sense, exercising terrain management—placing units where they can operate safely, efficiently, and effectively—remains a required goal. In the nontraditional sense, placing liaison personnel or cells in close proximity with coordinating counterparts may provide an information positional *advantage*. The same might be said of an actively engaged public affairs or legal team that ensure the free flow of information and the legality of our actions, so that we maintain the public trust and can move freely about the area of operations. Mobility describes *a quality or capability of military forces, which permits them to move from place to place while retaining the ability to fulfill their primary mission (JP 1-02).* This function identifies the ability of JTF-CS subordinate units to move about the area of operations performing their designated CM missions. That ability is dependent upon situational awareness of changing conditions within the area of operations that may impede movement such as location of hot (contaminated) zones, areas of civil unrest, and obstructed routes.

Survivability and Force Protection. *Concept which includes all aspects of protecting personnel, weapons, and supplies...Security program designed*

CBRNE Effects:
(National Fire Academy)

- Thermal
- Radiation
- Asphyxiation
- Chemical
- Etiological
- Mechanical
- Psychological

to protect Service members, civilian employees, family members, facilities, and equipment in all locations and situations...(JP 1-02). During CM operations, this function identifies the planned and integrated application of antiterrorism measures, physical security, operations security, as well as other security programs. Additionally, awareness of CBRNE effects, individual NBC protective measures, and personal protective equipment (PPE) requirements within the joint operations area (JOA), are embedded in this operating system.

Logistics. *The essential capabilities, functions, activities, and tasks necessary to sustain all elements. (JP 1-02).* This is a challenge for JTF-CS staff planners because of the diversity of units, sections, and teams conducting CM operations under its operational control. Subordinate units need to be sustained so they can perform their missions. Some sustainment is provided from other Services, as well as interagency partners, and may require additional coordination and cost accounting.

Medical. Medical support is normally a part of combat service support (CSS). In the event of an attack involving a WMD, medical staff planners anticipate mass casualties. The acute nature of the response and the potential complexity of that response, qualifies this as a separate operating system. Staff planners must address the dual commitment to support local, state, and federal

agencies/facilities as well as providing medical support to JTF-CS. The spectrum of activities may include advising the command on health force protection measures such as vaccination and antibiotics, to providing medical care to contaminated victims. This operating system identifies the CM coordination and activities that medical staff planners consider relative to civilian facilities (such as hospitals and clinics) and agencies (such as the Department of Health and Human Services).

Mortuary Affairs. During CM operations, mortuary affairs deal predominately with civilian fatalities and, especially in the case of a WMD, a large



JTF-CS sets up its Joint Operation Center at its headquarters at Fort Monroe, VA, on September 11, 2001

number of fatalities. This function addresses the CM activities supporting local, state, and federal agencies addressing the mortuary affairs need in the area of operations. Mortuary affairs, like medical, is normally a part of CSS. However, the possible magnitude and political sensitivity of this function qualifies mortuary affairs as a separate entity for staff consideration.

Summary

When JTF-CS is deployed to conduct CM operations in a community hard hit by a WMD—the clock is running. The effects of the CBRNE attack will be horribly evident. The collective negative impact of these effects upon the people, the infrastructure, and their ability to distribute needed goods and services, will expand until an effective response effort arrests it.

JTF-CS, as part of the DOD response effort, must demonstrate a grasp of CM operations as well as an expertise in managing DOD resources in an efficient, timely, and consistent manner. To do this, staff planners need to be armed with tools that embed familiar training and experience so that resources are committed effectively. We must adapt our training and staff planning tools now to meet that eventuality.

In that regard, we outlined the doctrinal linkages and tools that support the BOS and warfighting functions. Where applicable, these were adapted and modified (without fracturing existing doctrinal linkages) to reflect the unique environment surrounding CM operations. The result is the civil support operating system. Each component of the CSOS was analyzed. Where current functions were applicable and adequate, they were retained. Where current functions needed additional underpinning, it was provided.

Ultimately, our analysis provided a tool that will aid the staff planner to visualize the expenditure of resources over time and space. Translating consequence management functions into tactical and operational terms that soldiers, sailors, marines, airmen, and coastguardsmen can understand and execute will ultimately enhance mission accomplishment, and meet the intent of the Federal response plan of providing: *efficient, timely, and consistent disaster response.*

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Emergency Plans Analysis – Anticipating Local Requirements

Richard Burmood and Carol Lucas

Preface

Joint Task Force Civil Support (JTF-CS), headquartered at Fort Monroe, VA, was established by direction of the Department of Defense (DOD) Unified Command Plan 1999. JTF-CS is assigned to U.S. Northern Command (USNORTHCOM) because this Unified Command is responsible for land, aerospace, and sea defenses of the United States, as well as commanding all forces that operate within the United States in support of civil authorities. JTF-CS is unique in that it is the only standing joint task force directed by National authority to plan for and integrate the DOD domestic chemical, biological, radiological, nuclear, and high-yield explosive (CBRNE) consequence management (CM) support to the lead federal agency (LFA). JTF-CS will deploy following a state request for federal assistance, and the President or Secretary of Defense directing USNORTHCOM to provide military support. Its deployed role is to save lives, prevent further injury, and provide temporary critical life support beyond those capabilities available from local, state, and other federal assets. JTF-CS is composed of active duty members from all Services, as well as Reserve and National Guard members. This diversity adds experience and depth that enriches the unit's knowledge base and experience.

The U.S. military has a long history of providing assistance to civil authorities. For example, for many years U.S. military forces have responded to requests and assisted federal, state, and local agencies during natural disasters such as hurricanes, floods, and earthquakes. The role of JTF-CS to provide assistance to the LFA after a terrorist incident is in keeping with this tradition. Under The Homeland Security Act of 2002 and Homeland Security Presidential Directive - 5 (HSPD-5), the Department of Homeland Security (DHS) will coordinate federal response efforts, and the Secretary of Homeland Security is the principle federal official for domestic incident management. CJCSI 3125.01, "Military Assistance to Domestic Consequence Management Operations in Response to a Chemical, Biological, Radiological, Nuclear, and High-Yield Explosive Situation," dated August 3, 2001 (U), provides operational and policy guidance and instructions for U.S. military forces supporting domestic CM operations to

prepare for and respond to the effects of a threatened or actual CBRNE situation. Domestic CBRNE CM support encompasses both deliberate and inadvertent CBRNE situations including terrorism, acts of aggression, industrial accidents, and acts of nature. This national instruction directs that JTF-CS will serve as the combatant commander's action agent for domestic CBRNE CM operations in support of the LFA, and through it, JTF-CS will plan and integrate DOD's CM support to the LFA for CBRNE situations in CONUS.

This paper addresses how JTF-CS focuses on understanding the community conditions influencing how to best deal with the effects of a deliberate or accidental CBRNE incident. In order to more effectively accomplish this, unit members strive to improve their ability to anticipate what emergency measures might be requested of DOD to assist state and local responders. One initiative started by JTF-CS, to more accurately anticipate requirements, is the review and analysis of local and state emergency operations plans (EOPs). The opportunity to review EOPs and other emergency plans provides JTF-CS with specific knowledge of community capabilities and procedures, and an understanding of mutual support agreements with surrounding locales. This results in a win-win situation by reducing crisis action planning assumptions and facilitating more realistic planning with comprehensive response measures.

JTF-CS is conducting military area assessments of the Nunn-Lugar-Domenici Domestic Preparedness Program's 120 largest cities. This effort does not duplicate actions in planning and training by other federal agencies, but simply assists JTF-CS and USNORTHCOM in planning DOD's consequence management support to the lead federal agency.

JTF-CS has an ongoing effort to identify and map (geo-location and capabilities) essential domestic infrastructure information about potential deployment areas such as: police, fire, emergency management services, medical facilities, emergency shelters, transportation infrastructure, key terrain, lines of communications, and population distribution patterns. It also identifies logistics data (military bases, airfields, major facilities, POL, etc.) that could support a DOD deployment. Hazardous materials (HAZMAT) hazards, to include toxic industrial material (TIM) and toxic industrial chemicals (TIC) storage locations are also recorded within the mapping database.



While this geospatial informational data, mapped using geographic information system (GIS) technology, will portray resource information and location very well, it does not explain how the city's resources will be used. The emergency plans analysis project was established because an assessment of the local area's emergency operations plans will fill in information voids as to how they will organize and use their resources in an emergency response.

These local plans provide the groundwork for JTF-CS in conducting civil support response planning to determine the type of DOD capabilities that might be required in local/regional areas. By understanding local capabilities, it can develop contingency plans for DOD forces, enabling a quicker response and with more refined CM capabilities. This could lead to regional response planning, identifying specific units for a particular crisis, and pre-determining the logistical efforts necessary to speed deployment in getting them to potential high threat incident locations. Without this level of detailed planning, JTF-CS can only estimate what capabilities might be required and rely on mass, instead of a more surgical application of the right force at the right time.

JTF-CS identifies and maps (geo-location and capabilities) essential domestic infrastructure information about the metropolitan areas that have military significance during the process of planning support to potential requests for assistance. JTF-CS is also receiving, from the mayors of the cities, copies of their emergency operations plans. They review these plans for information on how the city is organized, the area's capabilities, and how they will use their resources in an emergency. Although DOD will only execute those tasks as assigned by the LFA, these area

assessments enhance CM planning and domestic preparedness efforts to respond rapidly with the right civil support forces.

Introduction

If there is one truth in the complex world of emergency management, it is that "all disasters are local." It is self-evident that those suffering most are the victims in the immediate area of the disaster. Emergency response procedures such as the "incident management system," ensure local authorities stay in charge of disaster response. Mutual aid agreements, state assistance, and federal response are all supportive in nature, and government officials from these levels never come in to replace local civil authorities. All DOD policies and procedures are also consistently applied to keep the military in support of civil authorities.

If all disasters are local, then all CBRNE incidents must also be considered as local. This has a special implication in the realm of terrorism and attack upon the United States. It doesn't matter what the President, the Director of Homeland Security, the Department of Justice, or the Department of Defense are doing to protect the rest of the country, for the community which has been attacked by terrorists – there is only ONE opportunity to help them and it must be done right and quickly. Lessons learned, after-action reports, and improved procedures for next time in some other place do not mean anything to these victims.

"Public trust" is often identified during CBRNE consequence management planning as a national center of gravity. Terrorists seek to instill fear, want people to distrust authority, and attempt to elevate public concern that the government can't protect them. To the victims, response success is measured by timely and appropriate support to their problems. They already feel let down by the government that has failed to protect them from the terrorist. How the victims feel about the adequacy of response will be expressed to the nation through the press, and have an influence on public trust. Therefore, you can visualize that at least a part of the DOD's role, in maintaining the public's trust in their government, is to provide timely and appropriate support to the lead federal agency in assisting local and state authorities to meet the needs of the local victims.

After studying weapons of mass destruction (WMD) and modeling their effects during exercises, JTF-CS



“In preparation for battle, I have always found that plans are useless, but planning is indispensable.”

Dwight D. Eisenhower

has determined that every CBRNE incident is going to be different. Even if the same WMD agent is employed on two cities, the impact to the cities will be different. Based on the location of the CBRNE incident, there will be differences that result from the cumulative variables of such factors as weather, terrain, people density, and buildings.

Climatic conditions. Agents are directly affected by the weather – wind direction and speed are significant factors, as are temperature, humidity, and precipitation. Indirect factors such as seasonal population behavior can influence biological agent effectiveness.

Geographical variables. Geographical terrain barriers influence metropolitan areas development, and therefore will affect the population’s potential exposure levels to the hazard. Considerations include things like whether the city is located on the coast or a large body of water, channeled in a valley, bounded by hills, or spread out on the plains. Rivers and canals in a city can result in sudden barriers if bridges are destroyed.

Demographics. The number of people exposed to the WMD effects really determines the size and impact of the CBRNE incident. Population density patterns

and variables between day and night populations for business districts are significant factors that will influence casualty counts. Also important in a contagious biological incident is whether the release occurred at something like a sports venue or airport, where there is a transient population, instead of where most initial victims are residents in the community. Age and personal health can also influence the life and death out-come of a CBRNE incident.

Infrastructure. The dynamic of commercial enterprise and construction may result in huge variables during a CBRNE incident. Infrastructure is applicable, not only from building type and style (high rise offices versus suburb sprawl), but what industries exist within the affected area. Hazardous material manufacture or storage facilities can contribute to secondary effects. If the metropolitan area is a transportation hub for rail or seaport operations, there will be hazardous cargo that may be targeted or will add to the overall effects.

CBRNE incident response capabilities will vary greatly among cities. As with most community services, they are affected by tax-based funding and demographic demand for emergency services and health care. The most significant variables exist in the “life saving” and

“prevention of further injury” capabilities of the first responders and the local medical system.

First responders. Police, fire, and emergency medical services (EMS) are usually the first responders on the scene of a CBRNE incident. The catastrophic effects of WMD can quickly overwhelm the capabilities of a community’s first responders. The number of trained teams available, their access to personal protective equipment (PPE), the quality of their chemical/radiological/biological training, and the rescue assets they can bring to the problem affect not only their survival but also the survival of the victims they came to help.

Medical capacity. Available medical capacity, compared to potential requirements, continues to decline as a result of the economic impact of spiraling operating costs upon profit margins for private hospitals and competition for tax revenues for public hospitals. Communities vary greatly in how many hospitals will be available during a CBRNE incident, their available bed count, quality of specialized care such as burn and radiation treatment, and critical equipment such as ventilators. A community’s ability to respond during a CBRNE incident is also affected by whether its hospitals have decontamination capability, and whether they have exercised mass casualties events.

Emergency response survival. Regardless of how well prepared or protected, many first responders will be victims of the initial attack based on their location and proximity to the incident. Others will succumb to the WMD effects during the initial response, from exposure to the hazards. The survival and availability of the city’s hospitals and other medical response assets will be determined in large part by where they are in proximity to the incident. As demonstrated by the world’s recent experience with the SARS outbreak, hospital staffs can easily get exposed to contagious diseases and have to be subtracted from the pool of local response assets, or they will contribute to spreading the bio-contagious threat. Type of agent and size of release are significant variables in what emergency response assets become part of the problem rather than part of the solution.

Every CBRNE incident will be different due to:

LOCAL VARIABLES

- climate
- geography
- demographics
- infrastructure

FIRST RESPONDERS

training, equipment,
and survival

MEDICAL ASSETS

bed count, specialized
care, planning

The DELTA. This survival discussion is important because it reflects a DELTA (or difference) between disaster response expectations and reality. Planning and modeling are the important tools that can shed some light into this unknown. Understanding and anticipating the potential DELTA will help disaster response authorities anticipate that requests for assistance will generate much quicker and be greater in a CBRNE incident than in natural disasters.

Emergency Planning in America

Emergency planning in America has generally been based on being prepared for disasters in general (comprehensive in nature) rather than focusing on specific hazards. Emergency managers usually think in terms of general functions and who will do them, rather than developing a highly detailed operational plan. This process and thinking is sometimes foreign to military planners who are trained to work through the most minute details and war-game the procedures to identify weakness so branch planning can be developed to overcome risk. All-hazard rather than agent specific planning is commonly found in local and state plans, based on an understanding that preparedness is more of a process than it is a product.

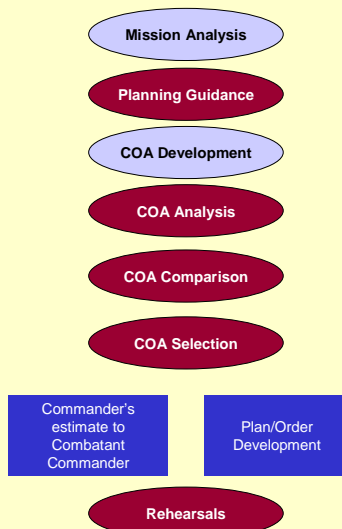
In 1996, the Federal Emergency Management Agency (FEMA) published its State and Local Guide (SLG 101): Guide for All-Hazard Emergency Operations Planning. This guide was prepared to aid state and local emergency managers in their efforts to develop and maintain a viable all-hazard emergency operations plan. To be relevant, FEMA’s planning guidance had to reflect three basic changes:

- (1) Congress eliminated emphasis on the nuclear attack hazard and restated federal Civil Defense Act authorities in the Stafford Act;
- (2) FEMA and the Federal Government had acquired a broader role in disaster response; and
- (3) Emergency management planning in the States and many localities had matured beyond the sample plans FEMA provided in earlier planning guidance.

City Assessment Impact on Planning

• **City assessment feeds the mission analysis and course of action development activities in Consequence Management response planning.**

COA = course of action



program of FEMA and the Nuclear Regulatory Commission (NRC), the Chemical Stockpile Emergency Preparedness Program (CSEPP), or the National Response Team (NRT).

Chapter 7 contains information on integrating state EOPs with the Federal response plan (FRP), so that all levels of government can provide a coordinated response to communities in need.

The SLG 101 guide does not establish requirements for the preparation of standard operating procedures (SOP), but does recommend that SOP

It is important to recognize what guidance was given to state and local emergency planners in FEMA's SLG 101.

Chapter 1 explains what an emergency operations plan (EOP) is at the state and local levels, why the EOP is a necessary part of a comprehensive approach to emergency management, and how the EOP relates to other aspects of the comprehensive, risk-based, all-hazard approach.

Chapter 2 describes the approach FEMA recommends for a step-by-step process of risk-based, all-hazard emergency operations planning.

Chapter 3 suggests how to format the results of the planning process in a written EOP.

Chapters 4 and 5 list and discuss elements that, if applicable for a jurisdiction, should be addressed in its all-hazard EOP.

Chapter 6 notes unique aspects of certain hazards, including associated regulatory requirements. It suggests how to address these unique aspects in the all-hazard EOP rather than in stand-alone plans. The chapter is not meant to replace hazard-specific planning guidance issued by the radiological emergency preparedness (REP)

should be developed by each organization tasked in the EOP. SOP provide the means to translate organizational tasking into specific action oriented checklists that are very useful during emergency operations. They tell how each tasked organization or agency will accomplish its assigned tasks.

The Defense Against Weapons of Mass Destruction Act of 1996 (or Nunn-Lugar-Domenici amendment to the National Defense Authorization Act for FY97) stipulated that first responders would be trained to deal with WMD terrorist incidents. The Nunn-Lugar-Domenici Domestic Preparedness Program (NLD DPP) began in FY97 to train first responders — fire, police, and emergency medical technicians — in 120 of the largest cities in the country. Along with training and equipment, a significant part of community preparedness is planning, and cities received federal funding to write WMD annexes to their EOPs.

STATE AND LOCAL GUIDE

- step-by-step process risk based
- all-hazard planning
- unique hazards
- integrate with the FRP
- recommends SOP be used for details

Public Law 104-201, the National Defense Authorization Act of 1996, authorized funding for the Department of Defense to develop a domestic preparedness program to enhance the capability of federal, state, and local emergency responders in incidents involving nuclear, biological, and chemical terrorism. The law directed that the Secretary of Defense act as the interagency lead to develop this

program; however, under Sec. 1412(a)(2) and 1415(d)(1) of the legislation, the President could designate the head of an agency other than the Department of Defense, to assume responsibility for carrying out the program on or after October 1, 1999. On April 6, 2000, the President designated the Attorney General to assume programmatic and funding responsibilities for several elements of the NLD DPP as of October 1, 2000.

The Department of Justice (DOJ), Office of Domestic Preparedness (ODP) provides targeted technical assistance to state and local jurisdictions to enhance their ability to develop, plan, and implement a program for WMD preparedness. Specifically, ODP provides assistance in areas such as the development of a response plan; exercise scenario development and evaluation; specialized training; conduct of risk, vulnerability, capability, and needs assessments; and development of Three-Year Domestic Preparedness Strategies.

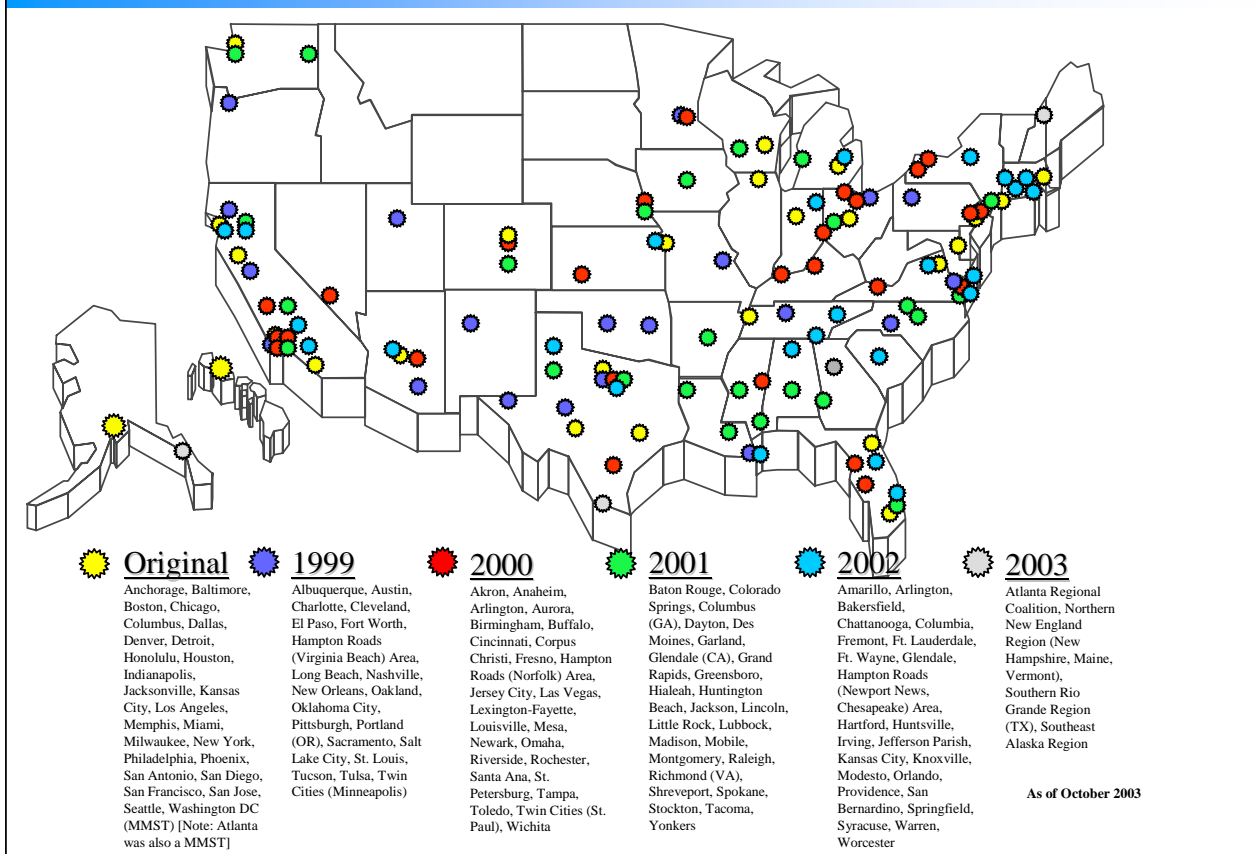
Department of Health and Human Services, Office of Emergency Preparedness, is also funding emergency preparedness of the 120 Nunn-Lugar-Domenici cities through a program called the Metropolitan Medical Response System (MMRS). MMRS is an operational system at the local level, developed to respond to a terrorist incident and other public health emergencies that create mass casualties, or casualties requiring

unique care capabilities. This system enables a metropolitan area to manage the event until state or federal response resources are mobilized. MMRS is always a locally developed, owned, and operated mass casualty response system, intended to enhance the local health and medical response to victims of terrorist incidents and other public health emergencies. Included within a fully implemented MMRS are an integrated medical response system, detailed system response and operations plans, specially trained responders at all levels, specialized response equipment, specialized medical equipment and pharmaceutical cache, and enhanced medical transport and treatment capabilities. Planning products that must be produced in order to receive full funding include:

- Basic MMRS concept of operations plan
- Plan for managing the consequences of a biological event
 - Plan for responding to a chemical, radiological, nuclear event
 - Plan for forward movement of patients
 - Plan for integration of local hospitals and regional healthcare systems
 - Plan for training of hospital and first responder personnel
 - Plan for equipment acquisition and maintenance



Metropolitan Medical Response Systems



JTF-CS Takes Action

In the spring of 2002, the Commanding General, Joint Task Force Civil Support determined that military planning and preparedness could be significantly enhanced if the military understood how the local authorities planned to respond to a CBRNE incident. The initial interest was in reviewing city emergency operations plans WMD annexes. The vision was that understanding these local plans would provide the groundwork for military planning to determine the type of DOD capabilities that might be required in local/regional areas. Conceptually, the logic was that we could develop consequence management response contingency plans for a specific locality, based on the capabilities identified in local plans. These contingency plans would include capability-based requirements for DOD forces, and might even identify specific units to meet those requirements. This would allow U.S. Transportation Command to work out the logistical efforts required to get the units to the incident location. Without this level of detailed planning, it was clear that planners could only estimate what assets might be

required. The desired outcome is to be able to anticipate requirements rather than be reactive and have to wait for the needs to be manifested, only after it became obvious that all other available resources were consumed by the disaster.

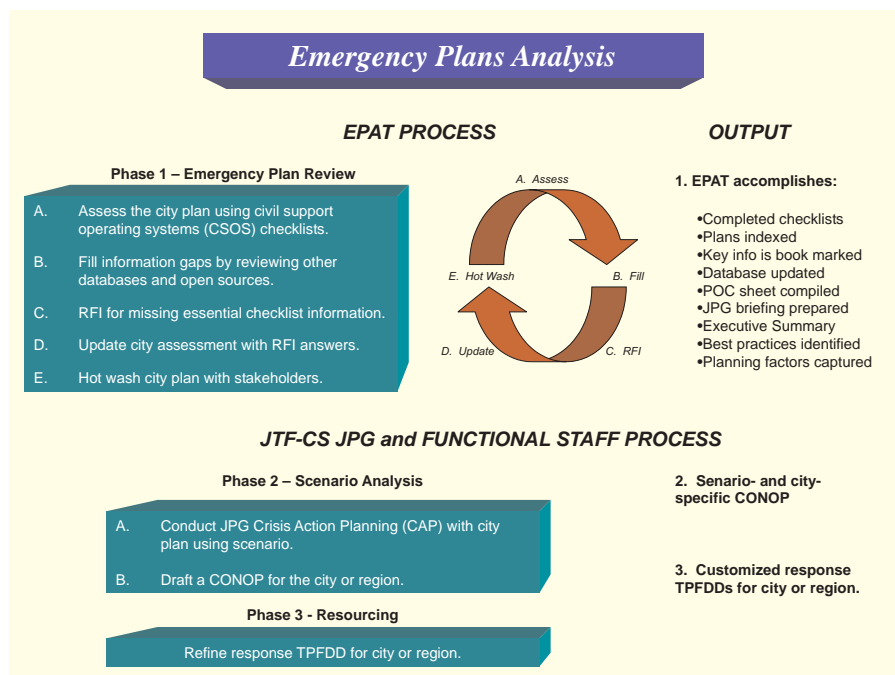
After only rudimentary research and review, it became apparent that—while all disasters may properly be described as “local” in the sense of who suffers the direct consequences, and where response and recovery must occur—emergency support planning extends far beyond the city plan itself. There is often not just one “all-hazard” plan, but multiple plans and annexes that are not thought of as a single plan at the local level. SOP are also important but not necessarily readily available. When a city relies extensively on SOP, they do not put details like checklists, call-down rosters, resource listings, maps, charts, etc. in the base EOP. SOP may also be the only source for information such as step-by-step procedures for notifying staff, obtaining and using equipment, supplies, vehicles, obtaining mutual aid, reporting information to organizational work centers and the emergency operating center (EOC), and

communicating with staff members that are operating from more than one location. There is also an interrelated, but not necessarily synchronized, hierarchy of planning that reflects providing essential resources when lower levels of government have exhausted them. In many cases there are mutual support agreements and emergency compacts between cities and states that supplement or provide resources against developing requirements across the spectrum. Emergency plans analysis takes this into consideration when projecting what requirements might develop that could become requests for assistance (RFA) and mission assignments (MA) to JTF-CS.

Getting the Plans

JTF-CS took a systematic approach in gaining a more accurate understanding of what resources and plans already exist within certain cities. We began by concentrating our data-gathering efforts on the 120 Nunn-Lugar-Domenici cities. In many cases, we followed up with phone calls to civil authorities in order to request additional documentation, including MMRS plans and WMD related annexes. Associated county and state emergency plans were also sought as they can provide an important insight into local emergency response procedures.

Initially, we had a few city and state EOP obtained through open sources searches. The simple thing seemed to be to just request copies of the 120 cities WMD response plans from the ODP. ODP had been supporting and facilitating the review and development of these plans through the efforts of its state and local domestic preparedness training and technical assistance program. What we did not know was that, in order to ensure confidentiality in the process, ODP had given its assurance that the purpose was to assist the community in improving its plan, not the establishment of a national library. Therefore, they could not and would not provide copies to JTF-CS.



This ultimately led to JTF-CS writing letters to each of the mayors of the 120 Nunn-Lugar-Domenici cities, requesting a copy of their EOP addressing their response to a WMD incident. We explained who we were, why this was important, and that our intent was not to evaluate their plan, nor compare their plan to plans from other cities. We made it clear that these local plans provide the groundwork for our military planning to determine the type of DOD capabilities that might be required to continue CM using military assets when the capabilities outlined in their plan are exhausted. For the most part, communities were receptive to sharing their plan with us for this specific purpose. Like with DOJ, it has been common for city emergency managers to request that their plan be protected, and established a conditional sharing relationship based upon us not giving away their plan. We take that trust very seriously and will not violate the integrity of the confidence they have in us, even though there have been numerous requests for access to the local and state plans we have collected in our library.

While not the topic of this article, the above experience demonstrates that there is a need for a national repository or library of state and local plans—protected because plan information may reflect vulnerabilities—but accessible to homeland security planners with the need to know. We live in a republic where the proprietary nature of information, to include even things like public documents, is honored. States and local governments are not bound by national policies unless

they are enacted into law or enticed into program compliance through federal funding. Homeland Security Presidential Directive/HSPD-5, dated 28 February 2003, directs that the Secretary for Homeland Security will coordinate with state and local governments to ensure adequate planning, equipment, training, and exercise activities. The Secretary will also provide assistance to state and local governments to develop all-hazards plans and capabilities, including those of greatest importance to the security of the United States, and will ensure that state, local, and federal plans are compatible. Even though this language is broad, it may represent the ability to finally accomplish the national collection of plans, to allow responders at all levels to better anticipate requirements and facilitate coordination. The Department of Homeland Security will have funding and authority, which is far better than Joint Task Force Civil Support that has only “good will.”

Emergency Plans Analysis Requires Tools to Ensure Rigor And Consistency

City and state emergency plans are key inputs into the JTF-CS consequence management pre-incident planning. We began the initiative to collect plans by focusing on the 120 Nunn-Lugar-Domenici cities for two reasons: First, these cities have been identified as high probability/high impact targets by the Federal Government; and, second there is a greater likelihood of EOP WMD annex and MMRS plan documentation because of funding initiatives.

The plans are reviewed to gain an understanding of local operations. This will increase the speed and accuracy of JTF-CS’ response once the LFA issues a mission assignment to JTF-CS. The core of JTF-CS’ emergency plans analysis is the functional questions matrix. As an analysis tool, the matrix builds rigor and consistency into the analysis process and allows us to replicate that consistency over time. Each question is linked to Civil Support Operating System (CSOS) categories so that information is staged for the military planners (see the accompanying CSOS article by LTC Snyder and LTC Disney in this JCLL issue). The questions are crafted so that the answer will do one of the following:

- Describes a procedure;
- Describes a capability;
- Leads to an understanding of how the city communicates/coordinates (organization and delineation of leadership);

- Leads to an understanding of state and multi-jurisdictional coordination procedures.

In addition to the descriptive answer, other data items are captured to facilitate the layering of information including analyst’s initials, date of analysis, name of the plan where information is found, and a data call rating. Data call ratings are designed to reflect the level of information availability *within the documents* resident in the JTF-CS library, and are not in any way a judgment of the city’s emergency plans. Data call ratings can be searched by individual question or by functional category, and can be sorted by city, state, or FEMA region. The result is a comprehensive picture of what we know about a city’s emergency operations. This allows the command to quickly focus requests for information (RFI) efforts in order to fill any information gaps, and ensures that JTF-CS responds with “*the right resources at the right time.*”

Emergency Plans Analysis Follows the Pattern of Continuous Improvement

The activity of developing and implementing a rigorous process for extracting information from emergency plans must follow the pattern of continuous improvement in order to successfully integrate into organizational responsibilities. The continuous improvement principle holds for both the macro-level system of developing an analysis process as shown below, as well as the micro-level use of the analysis process. The key success factors are periodic reviews of the system and involvement of the stakeholders in the validation of the methodology. The stakeholders referred to here are subject matter experts who have a share or interest in situational awareness and area assessment within the various J-code directorates.

Development of a rigorous method of analysis consisted of a series of trial efforts, with the pendulum swinging from the extreme quantitative to the extreme qualitative, and coming to rest at an appropriate mixture of both. This balance came about because of both stakeholder feedback and the nature of the emergency plans documents that we have been able to obtain.

While the true test of the revised functional questions matrix can only occur at the onset of a catastrophic event, JTF-CS has a high confidence level that this tool is a reflection of the organization’s most current understanding of those things which constitute critical

knowledge for consequence management pre-incident planning.

Information Management Tools are Essential to Accessing the Critical Information Contained in City and State Emergency Plans

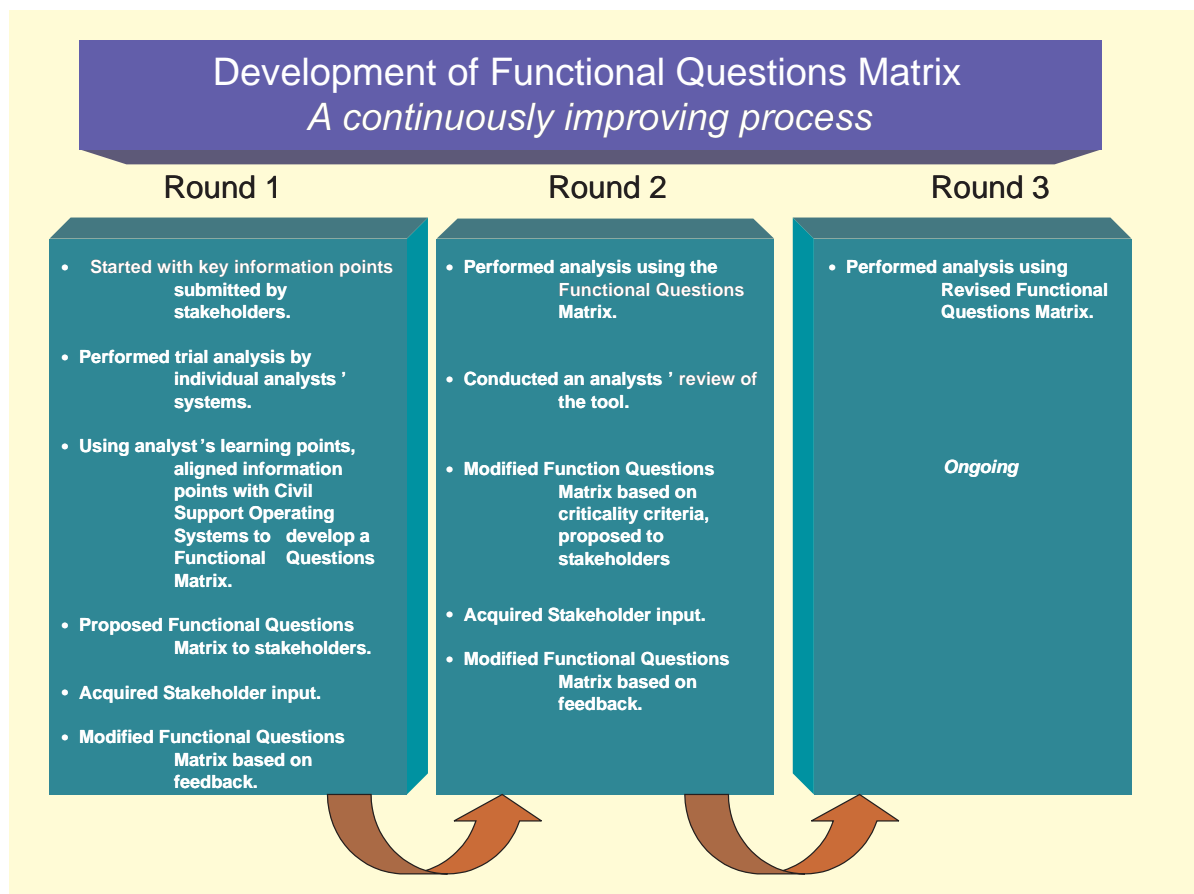
As we began acquiring city and state emergency plans, it became apparent that keeping data in the form of lists and flat files could not serve the needs of the military planners during the onset of a crisis. Data such as local contact information and regional response capabilities must be available at a moment's notice. JTF-CS has developed a prototype relational database to ensure *immediate access* to analysis and key information gleaned from the city and state emergency plans, to preserve *data integrity*, and to display *patterns of data availability*.

Immediate access to the information. The emergency plans prototype database requires an up-front investment in modeling the relationship of the data items. Data items are stored in fields within tables, and tables are related by linking like fields. This up-front

investment pays off during a crisis because, within a matter of seconds, pre-established queries and reports draw the most recent information from the linked fields according to the user's criteria (such as entering a city, state, or FEMA Region.)

Data Integrity. The prototype database is a relational database, where the tables that house the data items are designed according to mathematical principles of set normalization. While data items appear in many places in various reports, the data itself is housed in only one location, thereby eliminating the possibility of update anomalies and saving valuable time.

Patterns of Data Availability. The prototype database has exponentially increased JTF-CS' ability to find patterns within the collection of data items. The prototype database stores not only data pieces, but also the relationship between those pieces. This is especially valuable as we ascertain whether specific topics are covered in regional plans. In addition to extracting pertinent information for each topic, we annotate the degree of data availability for each topic. We can quickly scan the reports by topic and layer the results



by city, state, and FEMA region to anticipate where we will need to initiate RFI to local officials, and to gauge the magnitude of the effort.

In addition to providing useful information to our civil support planners, the prototype relational database is a cost effective way to refine the business requirements that will shape the permanent database. The final database will utilize an Oracle database format, which is robust enough to accommodate multiple-users in a fast-paced operations environment and large amounts of data.

Conclusion

JTF-CS is working a very meaningful action that will enhance the DOD civil support response in the event of a CBRNE incident. This action is consistent with their responsibility to plan and integrate the DOD disaster assistance provided under the Federal response plan in the event terrorists use a WMD within the United States. They are conducting military area assessments of the Nunn-Lugar-Domenici Domestic Preparedness Program's 120 largest cities, since all disasters are considered local. This effort does not duplicate actions in planning and training by other federal agencies, but simply prepares JTF-CS in planning DOD's consequence management support to the LFA. In addition to mapping (geo-location and capabilities), the essential domestic infrastructure information about the metropolitan areas, they are also receiving, from the cities and states, copies of EOP. JTF-CS reviews these plans for information on how the civil jurisdiction is organized, the area's capabilities, and how they will use their resources in an emergency. Although DOD will only execute those tasks as assigned by the LFA, these area assessments enhance CM planning and domestic preparedness efforts to respond rapidly with the right civil support forces to meet the requirements of the nation.

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About the authors

Richard Burmood is a retired U. S. Army officer, now a member of the JTF-CS contract support team. He is a "plank holder" in JTF-CS and has been with them since 1999, when they were established. Mr. Burmood currently serves as a senior plans analyst in the J5 and heads the Emergency Plans Analysis Team.

Carol Lucas has extensive experience with implementing quality and performance measurement systems. She has been with JTF-CS for one year, serving as a member of the Emergency Plans Analysis Team. Ms. Lucas personally designed and developed the prototype database and has been instrumental in shaping many of the information management and continual improvement metrics used to maintain rigor and discipline in the analysis of local and State plans.

Communications Interoperability Between Military and Civilian Agencies

Lt. Col. Donald C. Mertz

Communications will always be a vital aspect of any military operation. Consequence management (CM) operations are no different. The ability to have the right information at the right place and time becomes more critical when units are tasked to mitigate the affects of a chemical, biological, radiological, nuclear, or high-yield explosive (CBRNE) incident against Americans in the homeland. However, military support to civilian agencies in a civilian environment results in many challenges not normally encountered by the military communication planner or operator in a conventional warfighting scenario.

The challenge that most readily comes to mind is interoperability. The Department of Defense (DOD) has fought internally to make interoperability a reality for many years. Now the challenge is to ensure we have interoperability with civilian first responders, and those who manage them, at the local, state, and federal levels. For the last three years, Joint Task Force Civil Support (JTF-CS) has explored these potential

interactions and determined what difficulties can be overcome, and what has to be worked around in a crisis.

Many studies and fact-finding missions have revealed a lack of interoperability within the civilian first responder community itself; that is, the fire department can't talk directly to the police department within a given jurisdiction. There have been various commercial vendor-initiated solutions put out to those affected by this problem. The local first responder environment has been affected by city solutions, state solutions, and adjacent state solutions. With the formation of the Department of Homeland Security, focus has already been given to this problem. Attempts have been made to find an all-inclusive solution to standardize radio frequency bands and allocations, and to determine better ways to link efforts within jurisdictions, and from those jurisdictions to the next higher level in the hierarchy.

At JTF-CS, we recognized this problem early in the command's existence. When we proceeded to procure radio systems, we ensured we had the capability to at least monitor the primary frequencies of responders and managers in a given area to which we were deployed, even if we might not be able to actually enter the net as a participating member.



JTF-CS medical planner Lt. Col. Herb Jones and legal planner LCDR Michael Shaw talk to a local fire chief.

Interoperability is not just limited to well-known or highly used static and trunked radio media; the JTF has also taken interest in a revitalized Military Affiliated Radio System (MARS) program. This program, as related to homeland security, has evolved into an integrated system linked to the Federal Emergency Management Agency (FEMA) and local ham (amateur) radio operators. JTF-CS is a regular player in this effort with both a home station and deployable high frequency (HF) capability.

Other radio interoperability efforts we've explored include those supported by the National Interagency Fire Coordination Center (NIFC), located in



JTF-CS J6 personnel set up for a communications exercise at Camp Pendleton, Virginia Beach, VA, May 2002.

Boise, Idaho. The NIFC supports land mobile radios (LMR) and other light communications capabilities in support of the annual forest fire fighting efforts. The NIFC maintains hundreds of LMR, which are deployed and employed each summer throughout the west to civilian and military personnel called upon to contain wild fires. We see these stockpiles as potentially vital in case of a highly destructive CBRNE incident where infrastructure damage is severe.

Geospatial Information Systems (GIS) are the latest advance for military plans, intelligence, and operations personnel to use to provide their commanders with situational awareness and a medium for decision-making capability. GIS uses commercial mapping software, overlaid with data sets from various commercial and government agencies, to identify, for example, cultural landmarks, transportation routes, emergency services facilities, and responder locations. GIS provides the decision-maker with a clear view of capabilities, vulnerabilities, and potential options for mitigating the effects of current or future incidents.

Two critical shortfalls in GIS require attention. First, the hundreds of data sets are dispersed among various organizations. Each organizational holder of a data set uses its portion in the daily management of its part of the overall whole. Unfortunately, these data sets remain at the organizational level and are not forwarded automatically to a national repository for continuous

integration and accessibility. Second, the comprehensive GIS picture must be integrated with the “traditional” global command and control systems (GCCS) based common operational picture (COP) if DOD is to have a more effective role in supporting overwhelmed first responders, and state and federal efforts. Today, the DOD COP is correctly focused on air, ground, surface, and sub-surface tracks supporting the respective combatant commander’s area of operations (AOR). Now that U.S. Northern Command (USNORTHCOM) is moving toward final operating capability, the effort to ensure that this “unconventional” COP is integrated with the more traditional COP is vital...and much progress

has been made to date.

Web portals have become an integral part of JTF-CS command and control. Initially its “civil support library”, or CSL, was used for internal information sharing. After internal and external exercises, and real-world events, the CSL evolved into a command and control (C2) system, which is accessed by force-listed task force units and USNORTHCOM to maintain situational awareness before and during JTF-CS operations. The CSL has become vital in providing all involved a well-organized data repository and a structure for operations center processes. In the former sense, the CSL holds all planning and execution documents for a given event, such as the annual “State of the Union” address. Forces that could be asked to respond to an incident at that event can pull down, for example, planning information that otherwise would be an e-mail query to the JTF. In this way, instant access to updated information allows all with a log in and password to get what they need, when they want it. In the latter sense, the use of the CSL as a C2 system allows the JTF, subordinates, and higher headquarters to monitor or post information to the applicable portion of the CSL. For example, the JTF may log a mission assignment during a CM operation. The mission assignment is then passed to a task force as a fragmentary order (FRAGO). The task force can refer back to the CSL if they need clarification or want to post updates to the mission assignment’s execution. This can greatly reduce the need for phone

calls (which can't be easily documented for the record) or e-mails (which can be decentralized and thus not easily collected for records management purposes). Early in the JTF-CS' history, only an unclassified CSL existed. With the events of September 11, 2001, a need to post classified information grew, and thus a classified server was built. This capability provides more USNORTHCOM personnel access to the JTF's information, since combatant commands are heavier users of secure networks (SIPRNET) than non-secure (NIPRNET).

The common bond between the civilian world and the military world can be found on the Internet. The Internet has become an indispensable tool in this business for the passing of information, whether through the use of e-mail or the accessing of worldwide web sites. Unfortunately, the rising tide of hackers, friendly and not-so-friendly, have put the Internet's use at jeopardy on any given day because of malicious logic, worms, hoaxes, and other viruses. DOD has implemented the closing of seldom/never used Internet protocol ports to mitigate probable vulnerabilities from being exploited by outsiders. DOD continuously monitors those ports remaining open, reserving the right to shut them down on short notice if the threat of intrusion is assessed as great enough.

There are well-known ports that serve the civilian and military worlds equally. Closing these ports would, for all intents and purposes, isolate the DOD domains from the outside world, and interoperability with the civilian response community would be seriously degraded. How long does the DOD accept the risk to its warfighting networks to support civilian responders? Currently, information conditions (INFOCON) regulate the access that outsiders have and what insiders can do. One vital capability is remote access server (RAS) dial in. RAS allows military liaisons and other detached personnel to access home web portals and e-mail accounts. Unfortunately, RAS is one of the first capabilities shut down during the implementation of higher INFOCON. Commanders supporting the civilian response must be cognizant of the impacts that locking down network connectivity can bring.

JTF-CS explores issues such as these during frequent exercise play. To provide long-term solutions to these issues, the JTF has become an integral customer in the Joint Command, Control, Communications, Computers,

and Intelligence (C4I) Battle Center's ECHO spiral development efforts and the Homeland Security Advanced Concept Technology Demonstration. These venues provide the command the leverage to focus on the problems at hand, and the ability to pick and choose the most promising technology to solve the issues of greatest impact.

Additionally, interoperability needs to be defined a little differently in a consequence management operation. In the military, we use common terms of reference to describe a problem to be solved, and may very well assign one capability a different weight of importance than another. Our civilian counterparts may not do the same. For example, the use of data systems at the tactical level has grown in importance for our military's war fighting abilities. In the civilian responder community, immediate voice communication via broadcast radio with a centralized dispatcher is the primary mode of information sharing. This highlights the need for processes between the civilian and military responder communities to be defined, practiced, and refined. This is very difficult as there are thousands of potential incident sites inside thousands of potential jurisdictions. One cannot practice, nor have a separate process, for all of them.

What is called for is physical and processes standards...common ways to execute common processes at the local, state, and federal level. This is a huge undertaking, as thousands of jurisdictions have invested their funding to solve their local emergency conditions. Any solution through the organizational spectrum will be costly and require much compromise. In the meantime, Joint Task Force Civil Support stands ready to adapt to whatever command and control situation it is tasked to work in.

About the author

Lt. Col. Donald Mertz is currently the Director of C4 Systems at Joint Task Force Civil Support. He has spent his career primarily in mobile communications, war planning, and intelligence support, and has participated in over 100 exercises and contingencies worldwide.

Joint Task Force Civil Support's Unique CBRNE Training Issues

Mr. John Conger

Joint Task Force Civil Support (JTF-CS) conducts training in preparation to conduct its primary mission in support of contingency plan (CONPLAN) 0500. This mission states that: "JTF-CS will plan and integrate DOD [Department of Defense] support to the designated lead federal agency for domestic CBRNE [chemical, biological, radiological, nuclear, and high-yield explosive] incidents. When directed by Commander USNORTHCOM, JTF-CS will deploy to the incident site and provide command and control of assigned DOD forces to provide military assistance to civil authorities." The purpose of this assistance is to save lives, prevent injury, and provide temporary critical life support.

JTF-CS has a responsibility to train its own constantly changing staff, as well as those headquarters elements that are designated to support the U. S. Northern Command (USNORTHCOM) in its unique CBRNE mission. To train its internal staff, JTF-CS must ensure that all members are first able to understand the dangers and potential constraints of operating in a hazardous area. To that end, all members of JTF-CS are issued chemical protective garments and protective masks. Each member of the command participates in quarterly nuclear, biological, and chemical training in order to meet

the standards set forth by the command. These standards are in compliance with the different Services individual training requirements. In the past, members of the command have conducted live agent training at Ft. Leonard Wood, MO.

Since JTF-CS is a standing joint task force, the command must understand crisis action planning (CAP) and be able to operate as a cohesive joint force headquarters that could be called upon to command and control up to six thousand servicemen and women. This implies a headquarters where all members are proficient at their individual daily operations and can transition to a deployed operational headquarters on a moment's notice.

To attain and maintain this level of proficiency, each staff section conducts routine individual staff training weekly to maintain those critical occupational skills necessary within their respective sections. A corollary to this training is that we must be prepared to execute this training within a CBRNE backdrop. And we must understand the risks to both the staff and forces under the JTF command and control that are operating in a potentially hazardous area.

There is a requirement for all members of the unit to have a thorough understanding of the Federal response plan (FRP), and how JTF-CS functions to support the lead federal agency (LFA) in the FRP. The command conducts extensive training on the incident command system and on how the Federal Emergency Management Agency (FEMA) operates. We must understand both military and civilian hazard standards for exposure and clean up.

JTF-CS has to have subject matter experts in a variety of fields to enable us to perform our mission in a CBRNE environment. We have medical, chemical, biological, radiation, nuclear, and explosive experts on the staff. Additionally, we have experts in the field of communications and logistics. The entire staff understands the special considerations of operating a large military task force in the wake of a CBRNE terrorist incident. It is this specialized area of expertise that makes our organization so unique.



Members of JTF-CS conduct quarterly NBC training

When JTF-CS conducts CAP the enemy is the effects of the incident, not the perpetrator of the incident. Our subject matter experts must know the effects of the weapon of mass destruction (WMD) and then plan a worse case scenario to enable us to determine what level of support will be required to mitigate the long term effects of the WMD. Our planners' familiarity with the FRP and the level of assets available from other government agencies allows them to accurately predict and request the required level of military force structure to respond to any given WMD event. But it is the synthesis of individual and specialized training that allows this to occur.

Finally, we put all of this individual training to the test on a semiannual collective training event. The command conducts one internal and one large external consequence management exercise. The internal exercise allows us to see where our weaknesses and strengths are, thus preparing the way ahead for our larger external exercise with our higher headquarters that is conducted at the end of each year.

There are a multitude of challenges in planning and conducting a major CBRNE training exercise. First, we must coordinate with the designated local and state officials in the area where the exercise will occur. We must be sensitive to the political realities of that area to ensure cooperation and participation on the part of both the local and state government officials. This participation is essential to ensure the realism of the exercise.

Second, coordination with the various federal interagency organizations that would directly support the state's efforts in responding to a WMD is just as essential. There are numerous federal agencies that would provide support to such a disaster.

Next, once the scenario is agreed upon by all parties concerned, then we must project the anticipated devastation caused by the WMD and what resources the local and state responders could bring to bear to mitigate the effects of the disaster. Finally, we determine the shortfall of assets required to mitigate those effects. It is this shortfall that the interagency would be called upon to fill under the FRP. Any areas the interagency could not handle would be given to JTF-CS through the defense coordinating officer.

The challenge to building a CBRNE consequence management (CM) exercise is to ensure the realism of

the exercise, and to ensure there is adequate support required of JTF-CS to warrant their deployment to the disaster. Another significant challenge in exercise and real-world events is the training of the subordinate task forces that would be under the operational control of JTF-CS. Due to the unique mission of JTF-CS, those subordinate task forces must understand our mission and have a broad based understanding of how to support civilian authorities. They must also have the training to conduct CM operations in a potential CBRNE environment. For example, this means that doctors assigned to the JTF must be familiar with CBRNE effects and casualties, and also be able to function under potentially contaminated conditions.

Additionally, those subordinate task forces must be able to communicate with the JTF-CS headquarters and their own subordinate units. This can be a very real challenge for *ad hoc* units coming together for the first time to perform a mission in a potentially highly stressful environment.

The training challenges on both an individual and collective level are significant for JTF-CS in their efforts to mitigate a CBRNE WMD. But through rigorous individual training in a variety of CBRNE scenarios, and an aggressive collective training exercise program, JTF-CS has developed a very high level of capability in this arena—one which is unmatched by any other joint organization.

About the author

Lt. Col. (ret.) John Conger's last active duty assignment was with U.S. Joint Forces Command, J33 Current Operations, as the Combatant Commander's Army Special Operations Advisor. While in J33 he was also a part of their deployable joint task force augmentation cell and worked with numerous joint task forces formed to participate in the Unified Endeavor exercises. He began his second career as a contractor for Northrop Grumman by working as a campaign planner for the Roving Sands exercise. For the past three years he has been the lead exercise planner for Joint Task Force Civil Support. He has worked with local, state, and federal agencies in preparing these exercises, and in translating the lessons learned into training requirements for JTF-CS and for those units that would be called upon to support the command in performing its mission. Mr. Conger holds a B.A. in History from the University of North Carolina. He can be reached at 757-788-6559.

Medical Lessons Learned from BLUE ADVANCE-02

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Introduction

Joint Task Force Civil Support (JTF-CS) Command Surgeon Directorate exercised this unit's ability to respond to a domestic bio-contagious terrorist attack in support of a federal response effort in Blue Advance-02 (BA-02), a biological command post exercise (CPX), at MacDill Air Force Base, FL, in September 2002.



A member of Task Force MED checks available forces during biological training exercise Determined Promise 2003 (DP-03), August 2003, in Clark County, NV Task Force MED is one of the operational task forces that JTF-CS can establish at the site of a CBRNE incident.

Exercise Scenario

An intentional release of smallpox (*variola major*) occurred aboard a cruise ship before it docked in San Juan, Puerto Rico. The initial contagion release period was estimated to be Sept. 4-7, 2002. Unsuspecting infected tourists inadvertently carried the virus to the wider Puerto Rican population while visiting the island's attractions. Local and state emergency assets were utilized first and fully depleted. The governor of Puerto Rico requested a presidential disaster declaration, and the Federal response plan was put into action. The first number of reported smallpox cases in the San Juan area totaled 950, and the San Juan area hospital capacity was rapidly exceeded. The Centers for Disease Control and Prevention (CDC) projected at least a 30 percent fatality rate. The spread to CONUS and other countries was anticipated to start within days if no interventions were initiated.

Phases of Operations

This scenario exercised three of the five operational phases of a JTF-CS consequence management (CM) operation in support of civil authorities.

Phase I: Situation Assessment and Preparation.

Phase I comprised actions required to conduct CM planning, to include development of situational awareness (SA) and the projection of anticipated requirements for Department of Defense (DOD) support to a smallpox outbreak. To gain SA, liaison officers (LNO) were dispatched to United States Southern Command (USSOUTHCOM) and designated agencies in Miami, FL, to coordinate support operations. These agencies included the Federal Bureau of Investigation (FBI), Office of Emergency Preparedness Management Support Team (OEP/MST), and the Department of Veteran Affairs (VA).

Phase II: Deployment. JTF-CS would have commenced operations by protecting the force against becoming infected with the



Members of Task Force MED check the terrain during the planning of a mission assignment during biological training exercise Determined Promise 2003 (DP-03), August 2003, in Clark County, NV.

smallpox virus, had this exercise been an actual deployment for CM operations. This would have been accomplished at an intermediate staging base (ISB) (which for exercise play was notionally established at Charleston AFB, SC) where all members would have been vaccinated en route to Naval Station - Roosevelt Roads, Puerto Rico. Upon completion of force protection measures at the ISB, JTF-CS would have deployed to Puerto Rico, established a joint operations center (JOC), and assumed operational control (OPCON) of designated DOD units (less U.S. Special Operations Command and U.S. Army Corps of Engineers) on Puerto Rico already engaged in combating the smallpox outbreak.

In the actual exercise, JTF-CS Headquarters (HQ) deployed to MacDill Air Force Base, FL, established the JOC, assumed OPCON of notional units, and began processing requests for assistance and mission assignments for exercise play.

Phase III: Assistance to Civil Authorities. In this phase, military support to the civil authorities commenced. The anticipated support requirements were patient treatment, vaccinations to contain the spread of the disease, mortuary affairs, and sustainment operations. Military support was provided through a process of requests for assistance (RFA) and mission assignments (MA). The local authorities/incident site

commander issued RFA to the lead federal agency (LFA), who in turn issued MA to JTF-CS. JTF-CS had the flexibility to request additional forces through USSOUTHCOM as required. The focus of effort was to save lives through vaccinations and patient care. Phase III ended when measures of effectiveness had been achieved such that DOD support was no longer required and civil authorities were prepared to assume responsibility of the operation.

Medical Concept of Operations (CONOPS)

There are certain key medical tasks that are common to any chemical, biological, radiological, nuclear, or high-yield explosive (CBRNE) CM operation. Blue Advance-02 afforded

JTF-CS an opportunity to exercise these tasks within the context of a contagious biological event.

Strategic National Stockpile (SNS). The SNS contains pharmaceuticals and medical supplies that will be required during CM operations for any CBRNE events. After entering the joint operations area (JOA), the SNS must be broken down and configured for wholesale/retail delivery. DOD assets may be required to assist in the breakdown and distribution of the SNS.

Medical Augmentation. Local hospitals will likely be overwhelmed and require staff augmentation. There may be a requirement for additional medical capacity/capability such as deployable medical assemblages or establishing alternate care centers in structures such as gyms/hangers. Collateral issues such as the credentialing and privileging of DOD medical care providers to practice in established medical treatment facilities must be incorporated into operational plans.

Disease Containment. Manpower will be required to conduct general surveillance, contact tracing, vaccination, and epidemiological investigation.

Medical Services. Additional medical assets such as preventive medicine, stress management, veterinary services, ambulance (ground/rotary-wing support), medical logistics, etc., may be requested by the LFA.

Lessons Learned: Vaccination Clinics Issues

Personnel Requirements. Vaccination clinics require a combination of medical and non-medical personnel who are trained in specific areas. Additionally, cross training of personnel is critical to accomplish all of the administrative and ancillary tasks required. For example, individuals who may be responsible for documenting questionnaire responses may also be in charge of education and/or completing the vaccination entries.

Logistics Requirements. Having ample supplies of vaccines, bifurcated needles, puncture-resistant (“sharps”) biohazard disposable waste containers, and questionnaires on hand are critical to keep up with the ebb and flow of surges that will occur.

Vaccine Security/Safekeeping. During the exercise, one particularly difficult scenario had an ambulance hijacked and thus, the possibility arose of smallpox vials being sold on the black market. The key lesson learned was the need for adequate security of the vaccine. Issues inherent in this determination include application of Posse Comitatus (determining who provides security) and designation of the rules of use of force (utilization of levels of appropriate force).

Lessons Learned: Casualty Modeling

Joint Task Force Civil Support’s joint planning group developed and used a smallpox casualty model for exercise planning for BA-02. USSOUTHCOM staff members deemed the casualty model to be insufficient during the exercise, and competing casualty models were developed by USSOUTHCOM, the Chemical Biological Rapid Response Team in collaboration with the Air

Force Institute for Environmental Safety and Occupational Health Risk Analysis, and the Center for Naval Analysis.

The use of multiple casualty models resulted in conflicting values and outcomes complicating planning efforts, measures of effectiveness, and accurate casualty reporting. With each casualty model producing different daily casualty figures, it was very difficult to project consistent figures that all medical sections (Federal Emergency Management Agency, USSOUTHCOM, JTF-CS) agreed upon.

Recommendations

Identify medical units in advance. The value of pre-existing relationships cannot be stressed enough. During crisis, well-established relationships ease the communication and coordination process. It is imperative that JTF-CS develops habitual relationships with designated medical units and public health agencies.

Designate a specific model to be utilized by all agencies participating in the exercise. There is a critical need for consistency within models (i.e., one Federal approach). Since there were so many different casualty models, recommend that one casualty model be used across the entire exercise. The LFA should designate the casualty model to be used by all parties.

Develop DOD vaccination training teams. These vaccination teams would organize, train, and, if needed, supervise medical units or augmentees to staff vaccination clinics. There should be a robust and rapidly deployable training plan available.

Legal Lessons Learned During Exercise BLUE ADVANCE -02

Lt. Col. Stephen Parke

Exercise Blue Advance-02 (BA-02), which ran from Sept. 4 through Sept. 13, 2002, provided valuable insights and lessons learned into the legal issues that surround consequence management (CM) in the continental United States.

BA-02 was a Chairman of the Joint Chiefs of Staff (CJCS) directed, USSOUTHCOM sponsored, USJFCOM supported exercise for Department of Defense (DOD) CM response in support of the lead federal agency (LFA) in responding to a terrorist release of a biological contagious agent (smallpox) in the Commonwealth of Puerto Rico. Exercise activities included joint academic training, crisis action planning, force deployment, and the application of joint doctrine, tactics, techniques, and procedures.

JTF-CS deployed to MacDill AFB, and established its headquarters to support USSOUTHCOM. The Joint Task Force Civil Support (JTF-CS) legal office, in accordance with our standard operating procedure (SOP), deployed one attorney with the command assessment element (CAE), one attorney and two legal

clerks with the main body (for 24 hour operations), and left one attorney at the main headquarters for joint planning group (JPG) operations and reach back capabilities.

The JTF-CS legal office participated fully in the exercise and observed, at some level, the following legal issues: quarantine support, Coast Guard safety zones, portability of medical licenses, the Posse Comitatus Act (PCA), chaplain activities, status-of-forces (concurrent criminal jurisdiction); claims, mortuary affairs; detainment of illegal aliens, casualty assistance for service members who died in-theater; and command preliminary investigations.

One of the first issues that faced JTF-CS was how could DOD forces best respond to a state quarantine. Following the terrorist act, the Governor of Puerto Rico declared a Commonwealth health emergency, quarantined the island, and asked for federal assistance.

Insights into DOD Response to a State Quarantine

Quarantines are inherently a creature of state law. The main source for public health interventions or restrictions on liberty is the police power of a state; that is, the power of a sovereign government to enact laws or regulations that safeguard the health, welfare, and morals of its citizens. The courts have repeatedly held that state quarantine laws are a proper exercise of their police powers. The 10th Amendment to the U.S. Constitution reserves to the states all powers not expressly granted to the Federal Government, which includes the police powers.

The state government has two interrelated interests in compulsory treatment and isolations or quarantines. The first, "health preservation," relates to the threat posed by infectious diseases to the health and life of the person who becomes infected. The second, "harm prevention," relates to the threat posed by infected persons to the health of others. As an example, if one person in a family



Lt. Col. Stephen Parke, former JTF-CS Staff Judge Advocate, conducts unit training in several areas pertinent to the conduct of domestic consequence management operations.

becomes infected with smallpox that person needs to be treated, and the other members of the family, even if they are asymptomatic, should be isolated from the rest of the uninfected population since they may have been exposed to an infectious family member.

The friction in a proper DOD response to a state quarantine comes because most state laws make violating quarantine a misdemeanor, and include provisions that violating an order given by a public health officer shall be immediately enforceable by any peace officer. (Puerto Rican law was very similar to the majority of the states, as Title 33 of the Laws of Puerto Rico, Section 1392, made violation of the governor's proclamations relative to public health a misdemeanor.) Thus, quarantine enforcement becomes a law enforcement action. The Posse Comitatus Act, 18 U.S.C. § 1385, as implemented by DOD Directive 5525.5, prohibits direct DOD military involvement in law enforcement activities. The PCA has been in effect since 1878 and carries with it criminal punishments. Since Title 10 forces cannot engage in law enforcement activities, the issue becomes how can Title 10 forces best be employed to supplement the LFA during a quarantine situation?

The bifurcation comes between quarantine support and quarantine enforcement. Title 10 forces can respond to state quarantines and provide quarantine support. Absent a Constitutional (Article II, Section 2) decision by the President or the invocation of the Insurrection Act, 10 U.S.C. §§ 331-334, active federal military forces cannot enforce a quarantine without violating the PCA. However, there are numerous areas that planners and operators should consider for support to a quarantine. They include: a) communication strategies such as large speaker teams, b) movement of essential personnel (e.g. rescue workers) into and out of the quarantine area, c) movement of material (food medical supplies) into and out of the quarantine area, d) marking and placing signs and even wire around the area without engaging in direct law enforcement, e) movement of individuals out of the quarantine area for legitimate health and safety reasons, and f) community wide intervention strategies (mass vaccination) where federal forces run voluntary lines.

Insights into Portability of Medical Licensure

BA-02 was similar to many other domestic support operations in that the lead federal agency (LFA) sought DOD assistance/augmentation under emergency

support function (ESF) number 8 for medical care. The smallpox scenario taxed the medical capability of the hospitals in Puerto Rico both through fatigue of the local health care providers and through the play of many of the first responders actually contracting smallpox as a result of the care that they provided to the first wave of victims. Requests for assistance/mission assignments (RFA/MA) were given to DOD for stand alone medical care facilities, medical augmentation of existing civilian facilities, and for mobile vaccination teams. These RFA/MA raised the issue of whether the DOD health care providers were at risk for liability due to the fact that most would be providing medical services outside of a military installation and outside of their licensing/credentialing jurisdiction.

Since the military trains health care providers in many settings, the issue of licensure and credentialing often arises. The controlling federal statute states in part: "Notwithstanding any law regarding the licensure of health care providers, a health care professional described ... may practice ... in any state, the District of Columbia, or a Commonwealth, territory or possession of the United State, regardless of whether the practice occurs in a health care facility of the Department of Defense...or any other location authorized by the Secretary of Defense." (See 10 U.S.C. § 1094 (d)(1).)

A DOD Instruction reinforces the statute and also states: "It is DOD policy: ... that notwithstanding any State law regarding the licensure of health care professionals, a licensed healthcare professional who is a member of the Armed Forces may practice... in any State, regardless of whether the practice occurs in a healthcare facility of the DOD ... or any other authorized location as long as the individual is practicing within the scope of Federal duties." (See DODI 6025.16) The Execution Order sets forth the "authorized location" for the DOD health care providers.

The second half of the question then becomes does a DOD health care provider face personal liability if there is a therapeutic misadventure while providing care during a consequence management incident? Both the Federal Tort Claims Act (FTCA) and the Gonzalez Act provide protection so that DOD health care providers will not face personal liability for the care provided.

Over the life of the FTCA, enterprising claimants have often tried to sue the individual Service members or

civilian employees. This tactic was used mainly because the FTCA does not authorize the award of punitive damages, nor does it authorize jury trials. Most applicable to the military, the FTCA is not extra-territorial in its application. (See 28 U.S.C. § 2680 (k).) To provide for additional protection, in 1976, Congress enacted the Medical Malpractice Immunity Act, also known as the Gonzalez Act. (See 10 U.S.C. § 1089.)

The Gonzalez Act provides that an action under the FTCA was the exclusive remedy for individuals seeking damages for alleged medical malpractice. Claimants must seek compensation from the Government and health care providers are immune from liability for care given while acting within the scope of their duties or employment. This includes incidents occurring off a military installation. The military has long trained its medical specialists in civilian hospitals. As an example, a military doctor completing a fellowship in pediatric thoracic surgery at a civilian institution ran a high risk of facing a lawsuit in his individual capacity. The Gonzalez Act answered that question and broadly covered all health care providers. It states in part: “The remedy ... shall hereafter be exclusive of any other civil action or proceeding by reason of the same subject matter against such physician, dentist, nurse, pharmacist, or paramedical or other supporting personnel...” (See 10 U.S.C. § 1089(a).) The U.S. Supreme Court in *U.S. v. Smith*, 499 U.S. 160 (1991) held that government employees, such as the Army physician, were entitled to absolute immunity when acting within the scope of their federal employment, even when an FTCA exception precludes a plaintiff’s recovery from the United States.

Insights into Rules for the Use of Force and the Need for Seamless Transition

As the exercise progressed another major issue came to light, that being the need for a standing rules for the use of force (RUF) and the need for a smoother transition from CM RUF to military assistance to civil disturbance (MACDIS) rules.

The current RUF for domestic operations are set out in Chairman of the Joint Chiefs of Staff (CJCS) CONPLAN 0500-98. The use of force during CM missions is an extremely sensitive issue. Consequence Management operations, by their nature, are support and assistance missions. Generally, the primary

responsibility for providing security for DOD personnel, equipment, and military sites during CM operations rests with local law enforcement authorities. DOD personnel, however, retain the right to take appropriate actions in self-defense if threatened during CM operations. If feasible, DOD personnel should request civilian law enforcement assistance before acting in self-defense.

There is a presumption that units deployed to sites of chemical, biological, radiological, nuclear, and high-yield explosive (CBRNE) situations will not carry arms. However, units may deploy to sites of CBRNE situations with their weapons in storage in the event that the unit is subsequently authorized to carry arms by the Secretary of Defense, or if the units are deployed from the CBRNE site to an assignment where weapons are authorized. The military on-scene commander is responsible to ensure that weapons and ammunition are adequately stored and physically secured at the site of the CBRNE situation. (See CJCSI 3125.01, Military Assistance To Domestic Consequence Management Operations In Response To A Chemical, Biological, Radiological, Nuclear, Or High-Yield Explosive Situation, 3 August 2001.) In an emergency situation, and then only when expressly authorized by the Secretary of Defense in consultation with the Attorney General, units providing CM support may be authorized to carry arms.

During the exercise, there came a point where civilians began to attack mobile shot teams and convoys distributing food and medicine. When state and local forces were unable to provide adequate and timely force protection, the task force commanders began to ask for supplemental measures to the RUF.

The CJCS Instruction 3121.01 Standing Rules of Engagement for U.S. Forces, does not apply to domestic CM operations. Nor does the document cover U.S. forces deployed to assist federal and local authorities during times of civil disturbances within any state or U.S. territory. The CJCSI 3121.01 has a system/methodology to request supplemental measures. In the Blue Advance exercise, because there is not a current standing RUF, there is not a methodology to request supplemental measures. In addition, civil disturbances follow the use-of-force policy found in the DOD Civil Disturbance Plan, “Garden Plot,” which required the task force commander to request through the combatant commander to the Joint Chiefs of Staff (JCS) and the Secretary of Defense, arming instructions and new RUF.

Insights into Criminal Jurisdictional Agreements (Domestic SOFA)

BA-02 reinforced the need, early on in domestic operations, to address jurisdictional authorities over responding Service members. When deploying overseas, status-of-forces agreements (SOFA) are relied upon to ensure proper legal protections for members of the sending state. During the course of Blue Advance-02 injects were made that involved the arrest of Service members by civilian authorities. The crimes ranged from minor infractions to felony allegations. The issues arose as to who should have exclusive or primary concurrent criminal jurisdiction over the Service members.

Domestic operation forces can be deployed in any number of situations, including under the Stafford Act, the Insurrection Act, Immediate Response Authority, and various other statutory authorities. In several of these situations, the governor may not have requested DOD support prior to DOD forces deploying. As a result, conflicts could arise as to jurisdiction over deploying forces.

The discussion to rules for courts-martial (RCM) 201 of the Manual for Courts-Martial addresses at least one side of this issue when it states: “In the case of an act or omission which violates the code and a criminal law of a State, the United States, or both, the determination which agency shall exercise jurisdiction should normally be made through consultation or prior agreement between appropriate military officials (ordinarily the staff judge advocate) and appropriate civilian authorities (United States Attorney, or equivalent).” (See RCM 201, MCM, 2000) Unfortunately, the manual does not address what should take place when the action does not violate the code but does violate the criminal law of a state. At times, local agreements are drafted between installation commands and local civilian officials regarding such matters as release of Service members to the military before civilian trial. The Navy Manual of the Judge Advocate General (JAGMAN) at section § 0607 requires that a commanding officer obtain a written agreement from the governor or “other duly authorized officer of such state” (usually the district attorney) prior to turning over Service members.

Thus, in a domestic operation, discussions should take place responding judge advocates and state and local prosecutors prophylactically in the event a Service member is later involved in criminal activity. The major areas of concern for jurisdiction are:

a. Uniform Code of Military Justice (UCMJ) only crimes committed by military personnel are under the exclusive jurisdiction of military authorities.

b. State law crimes committed within the state by military personnel are under the exclusive jurisdiction of the state, except those crimes that are also punishable under the UCMJ and are committed:

(1) Solely against US government property or military security;

(2) Solely against the person or property of another service member; and

(3) In the performance of official duty.

Conclusion

The concluding lesson learned from BA-02 is that domestic CM operations in general, and contagious biological incidents in particular, raise multiple complex legal issues. Proactive judge advocates can offer valuable assistance to commanders and operators responding to such incidents.

About the author

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Public Affairs Lessons Learned at Exercise BLUE ADVANCE-02

Maj. Maria Quon

Introduction

Maintaining the public trust in government after a domestic bio-contagious event will be critical to the successful outcome of the consequence management (CM) operation. If such trust fails, the potential for serious public disorder is created. Responders working in a disorderly environment will be unable to most effectively carry out their life-saving and life-sustaining missions.

Government organizations, including the Department of Defense (DOD), will work through the news media to promote an accurate understanding of the response effort, and just as importantly, manage public expectations of what each organization at each level can do.

Joint Task Force Civil Support (JTF-CS) Public Affairs (PA) participated in Blue Advance-02 (BA-02), a bio-contagious training exercise, at MacDill Air Force Base

in Tampa, FL, during the week of Sept. 8, 2002. BA-02 exercised, in part, the ability of our military public affairs organization to respond to a domestic bio-contagious event in support of a federal response effort.

In the course of this exercise, JTF-CS PA learned that DOD must anticipate widespread misconceptions of the proper role of DOD in a federal chemical, biological, radiological, nuclear, and high-yield explosive (CBRNE) CM mission. A proactive public affairs approach addressing the most common misconceptions may prevent a number of negative/inaccurate news media reports, and assist in securing the public trust in the CM mission. This in turn will secure greater public cooperation with CM operations.

Background

The exercise scenario simulated a bio-contagious agent (smallpox) release by a terrorist aboard a cruise ship before it docks in San Juan, Puerto Rico. The infected tourists inadvertently carry the virus to the wider population while visiting the island's attractions. Local and commonwealth assets are utilized first and fully. The governor of the Commonwealth requests a Presidential disaster declaration and the Federal response plan (FRP) is put into action. The Federal Emergency Management Agency (FEMA), the lead federal agency (LFA), requests DOD support, and this request is approved by the Secretary of Defense.

Under the direction of the supported combatant command, JTF-CS coordinates DOD activities in support of the federal response effort, led by the FEMA, to mitigate the effects of the biological incident.

BA-02 was a computer-based, command post exercise. All unit-level troop movements and response activities were simulated. There were no actual unit deployments to exercise sites outside of the continental United States.



U.S. Air Force General Ralph E. Eberhardt, U.S. Northern Command commander (left) and General Richard B. Myers, Chairman of the Joint Chiefs of Staff, speak at a Department of Homeland Security/Federal Emergency Management Agency news conference held during biological training exercise Determined Promise 2003 (DP-03), August 2003, in Clark County, NV. JTF-CS, FEMA, Clark County emergency managers, State of Nevada emergency managers, and the Nevada National Guard participated in DP-03.



JTF-CS medical planners are interviewed in the Joint Operations Center during a media tour at Exercise Blue Advance in Tampa, FL, August 2002.

- Work with the media to promote a positive understanding of federal and state response, recovery, and mitigation programs;

- Provide all target markets with equal access to timely and accurate information about disaster response, recovery, and mitigation programs;

- Manage expectations so that the disaster victims have a clear understanding of all disaster response, recovery, and mitigation services available to them; and

- Support state and local efforts to reach disaster victims with specific program information.

The Public Affairs Mission

The primary PA mission during a domestic CBRNE CM operation is to support our interagency partners in maintaining public trust in the ability of local, state, federal, and military authorities to save lives, prevent injury, and provide temporary critical life support.

The mission and objectives of the military Public Affairs Office (PAO) reflect the mission and objectives of the FEMA public information officer, as described in the FEMA Emergency Information Field Guide Condensed (Oct. 1998, page 13):

The overall mission of the Public Affairs operation is to contribute to the well-being of the community following a disaster by disseminating information that is timely, accurate, consistent, and easy to understand. The information must explain what people can expect from their government and demonstrate that FEMA and other federal, state, local, and voluntary agencies are working together to provide the services needed to rebuild communities and restore lives . . . Public affairs must develop and implement strategies to:

- Instill confidence in the community that all levels of government are working in partnership to restore essential services and help individuals begin to put their lives back together;

The Media Environment

In the exercise scenario, the news media appeared to believe that the military was in charge of the response and conveyed this belief to the public. The news media indicated a lack of understanding about the processes of the FRP, and the constraints upon federal military participation in a CM operation.

In news releases coordinated with the interagency joint information center, and in our telephonic responses to media queries, we conveyed the message that our military responders were in support of the larger federal effort:

- In one situation, the governor established an order of priority for those receiving vaccines under the voluntary vaccination plan: medical personnel, police, essential government personnel, port authority personnel, civil aviation personnel, and the general public. Military health care workers administering the vaccine were accused of giving preferential treatment to certain people, when in fact they were complying with the order of priority established by the governor.

- In another situation, a newspaper reported that military personnel were going to begin mass cremations

of those who had died of smallpox. In fact, civil authorities, not DOD, would determine the disposition of contaminated remains. Should civil authorities direct cremation, military personnel would not staff and operate crematories. Military personnel would provide support functions such as transportation of remains.

- Some queries indicated an assumption that the Commonwealth was under “martial law” simply because a large number of uniformed military personnel were operating in the area. We responded by reiterating that the military did not control the executive, legislative, and judicial branches of government.
- DOD was repeatedly criticized for a “slow response.” We found it necessary to explain the FRP process through which local, state, and federal resources must be utilized first and fully before DOD assets may be utilized. In a domestic CM operation, DOD is the last responder, not a first responder.

Lessons Learned

- Military PAO must understand the common misconceptions that will arise during a bio-contagious CM operation and possess the baseline knowledge to combat these misconceptions. We must have appropriate messages ready in advance for dissemination.



Col. Patrick Murphy, former JTF-CS J3, briefs visitors on the history leading to the establishment of JTF-CS.

The Issue: The military is in charge of the CM operation.

The Message: We are always in support.

Talking Points: DOD’s Proper Role in Consequence Management

- a. As a supporting agency of the FRP, **DOD is not in charge of the overall federal plan** to mitigate the effects of an outbreak.
- b. The **DOD response is part of a larger federal effort** managed by a designated LFA, such as FEMA or the Department of Health and Human Services (DHHS).
- c. DOD only responds when **civilian authorities specifically ask for DOD support**.
- d. DOD’s role is to **provide support** to the CM effort by providing specific military assets and capabilities when requested. DOD has extensive logistics, transportation, medical, and communication assets.
- e. The Stafford Disaster Relief and Emergency Assistance Act allows the federal government to assist state and local governments in alleviating the suffering and damage that result from disasters.
- f. DOD forces **return home** when the emergency has passed. State and local authorities manage long-term rehab projects.

g. DOD has been doing this for a long time. Military forces have a long history of helping civilians after natural disasters such as hurricanes, floods, and wildfires. A CBRNE incident is an unnatural disaster. Assisting civilians after a CBRNE uses almost the same methods we would employ in any other humanitarian aid missions.



The Hon. Paul McHale, Assistant Secretary of Defense for Homeland Defense (center), and Maj. Gen. Russell Honore (left), commander of Standing Joint Force Headquarters Homeland Security, visit Maj. Gen. Jerry Grizzle (right), Commander of Joint Task Force Civil Support, at the JTF-CS headquarters at Fort Monroe, VA, on March 3, 2003.

The Issue: The military is responsible for imposing and enforcing restrictions on movement, such as quarantine and isolation.

The Message: Civil authorities impose restrictions on movement, such as quarantine and isolation measures. Local and state law enforcement agencies are primarily responsible for enforcing these measures.

Talking Points: Quarantine

a. The legal authority for restrictions on movement for reasons of public health is heavily vested in the states. Enforcement of relevant laws is an exercise of state police power.

b. Quarantine support consists of CM activities involved in supporting citizens affected by a quarantine directed by civil authorities, as well as supporting those military personnel assisting in the enforcement of such a quarantine. Consequence management activities might include medical, logistical, transportation, and communications support.

c. Quarantine enforcement consists of law enforcement activities involved in supporting a quarantine directed by civil authorities. Enforcement activities might include protecting vaccine supplies,

securing exclusion zones, and directing travel.

The Issue: The military has taken over the city and state governments.

The Message: The military supports civil authorities.

Talking Points: Martial Law

a. A civil-military administration exists only in the most extreme case where national security concerns lead the president, invoking his constitutional authority as Commander-in-Chief, to direct the military to exercise executive, legislative, and judicial authority over civilians.

b. This is **not the situation** that exists when military responders support CM efforts upon request of civil authorities.

c. Invoking the **Insurrection Act does not create a civil-military administration**; it authorizes federal military assets operating under Title 10 of the U.S. Code to enforce local, state, and federal laws at the direction and under the control of the President.

d. State governors can, and do, use their state National Guard forces in a state active duty status to assist local and state law enforcement officers. However, **federal military assets operating under Title 10 of the U.S. Code are not affected** by this activity.

The Issue: The military has declared war on the citizens of this city/state.

The Message: The military obeys carefully tailored rules that regulate the use of force for self-protection and the protection of others.

Talking Points: Rules on the Use of Force

a. Rules on the Use of Force (RUF) are prepared for **specific domestic emergencies** in which civil authorities have requested military assistance. RUF are **carefully drafted and tailored** to meet the needs of the specific situation.

b. DOD adopted this concept from law enforcement, which has RUF regulating how much and what type of force an officer can use against a fellow American for the officer's **own protection and for the protection of others**.

c. RUF are **not synonymous** with rules of engagement, which are standing rules governing the actions of military personnel operating outside of the U.S.

- A proactive PA posture dealing with these misconceptions is likely to derail a number of negative/inaccurate news media reports, secure more widespread public trust in the CM mission, and secure greater public cooperation with CM operations.
- Military PA officers remain in support of the communications efforts of our federal partners. Our city, state, and federal partners have the lead in educating and informing the public about the disease process, the vaccination process, the sites of clinics, etc.

Conclusion

To proactively deal with the issues identified in the exercise, JTF-CS PA has established an outreach program to inform civic leaders, first responders, and military audiences on the appropriate role of our organization in a domestic CBRNE CM operation. JTF-CS strives to manage public expectations in advance of such a response through speaking

engagements, exhibits, and appropriate news media engagement.

JTF-CS PA continues to routinely present media training, tailored to our situation, to all members of our organization. We work closely with medical and legal staff to ensure that our members are able to appropriately answer queries unique to our mission.

Finally, JTF-CS PA conducts an ongoing effort to identify and inform PA personnel in the Services who may be called upon to support our effort. We reach out to appropriate PA practitioners in the active and Reserve Components as well as within the federal agencies identified in the FRP. We strive to inform potential augmentees of our unique mission, issues, messages, and talking points to promote their effectiveness to our operation.

About the author

Major Maria Quon has served as the Media Chief for Joint Task Force Civil Support since 2000. Previously she served as an individual mobilization augmentee for the Office of the Chief of Public Affairs. Prior to entering active duty, she worked as an Editorial Production Editor for Simon & Schuster. She holds a Master of Arts in Publishing Studies from New York University, and is a graduate of the Federal Emergency Management Agency's Advanced Public Information Officers Course. Major Quon can be reached at 757-788-6631 or quon@jfc.com.mil

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